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Agenda item 100 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Canada, Denmark, Finland, France, Iceland, Italy, Liechtenstein, Luxembourg, Netherlands, Nicaragua, Nigeria, Norway, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 1/ and article 7 of the International Covenant on Civil and Political Rights, 2/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975 and contained in the annex to that resolution,

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in the annex to that resclution, and called upon all Governments to

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

consider signing, ratifying and acceding to the Convention as a matter of priority, its subsequent resolutions on the status of the Convention, most recently its resolution 47/113 of 16 December 1992, and its decisions 46/428 and 46/430 of 17 December 1991, as well as the Commission on Human Rights resolutions on the subject, most recently resolution 1994/38 of 3 March 1994, 3/

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 4/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 5/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world, and concerned by the stagnation in the number of ratifications to the Convention received during the past year,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling Commission on Human Rights resolution 1992/32 of 28 February 1992, in which the Commission decided to extend for three years the mandate of the Special Rapporteur to examine questions relevant to torture,

Noting with appreciation the activities of the open-ended working group of the Commission on Human Rights, while expressing its concern at the pace of its progress in elaborating a draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Commends the Committee against Torture for its excellent report 7/ in its modified presentation and for the improvement in its working methods;

3/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

4/ Resolution 34/169, annex.

5/ Resolution 37/194, annex.

6/ Resolution 43/173, annex.

7/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 44 (A/49/44).

2. Notes the status of submission of reports by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 8/

3. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;

4. Urges all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

5. Encourages the open-ended working group of the Commission on Human Rights on the elaboration of a draft Optional Protocol to the Convention against Torture to intensify its deliberations with a view to an early conclusion of its work;

6. Stresses the importance of strict adherence by States parties to their obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties whose arrears predate the provisions made by the Secretary-General for financing the Committee against Torture from the regular budget to fulfil their obligations forthwith;

7. Invites States parties to consider contributing to the United Nations Voluntary Fund for Victims of Torture as a gesture reflecting the determination of States to promote human rights;

8. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties, as well as its practice of formulating concluding observations after the consideration of such reports;

9. Commends the Centre for Human Rights for the advisory services and technical assistance it provides to States, at their request, in preparing national reports to the Committee;

10. Welcomes the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

11. Invites donor countries to consider the inclusion in their bilateral development cooperation of programmes and projects relating to the training of armed forces and police personnel in matters relating to the protection of human rights and the prevention of torture;

8/ Ibid., annex III.

12. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

13. Urges all States which have not yet done so to become parties to the Convention as a matter of priority;

14. Invites all States ratifying or acceding to the Convention and those States parties which have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

15. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-first session and to the General Assembly at its fifty-first session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

16. Decides to consider the reports of the Secretary-General and the Committee against Torture at its fifty-first session under the sub-item entitled "Implementation of human rights instruments".